

**Response under 37 C.F.R. 1.116**

Applicant: Gerome A. Haney

Serial No.: 10/629,005

Filed: July 29, 2003

Docket No.: 10990836-3

Title: VERTICAL LOCATING SLIDE BRACKET

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**REMARKS**

The following Remarks are made in response to the Final Office Action mailed April 15, 2005, in which claims 10-15, 17-22, 24-29, 31-36, 38 and 41 were rejected, and claims 16 and 30 were objected to. Claims 10-22, 24-36, 38, and 41 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 112**

Claims 10, 24, and 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. More specifically, the Examiner contends that the claims contain subject matter which was not described in the Specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant respectfully traverses this rejection.

Applicant submits that the subject matter of a length of the rack mount being defined from the first mounting flange to the second mounting flange, as recited in independent claims 10, 24, and 38, as well as the subject matter of the length of the rack mount being maintained when the rack mount is in the first position, the second position, and the third position, as recited in independent claim 10, the length of the rack mount being maintained when the rack mount is moved from the first position to the second position, as recited in independent claim 24, and maintaining the length of the rack mount assembly, as recited in independent claim 38, is supported by the Specification.

For example, page 7, lines 16-18 and page 8, lines 25-28 of the Specification describe that "the length of the rack mount assembly is adjusted or preset [in reference to] the distance between...the [mounting] flanges 35, 55...." Accordingly, the length of the rack mount being defined from the first mounting flange to the second mounting flange is described in the Specification. In addition, page 7, line 30 - page 8, line 4 of the Specification, for example, describes that after the length of the rack mount assembly is adjusted or preset, "[t]he rack mount assembly 20L is then engaged onto the left front and rear column flanges 14L, 16L by sliding the mounting flanges 35, 55 over the column flanges so as to engage the alignment and support protrusions 38 in selected mounting apertures 17, as generally indicated in FIG. 4" such that "[i]n view of the fit between the flanges 35, 55 and the left front column flanges 14L 16L, the column flanges may deform very slightly to accommodate the sliding of the

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protrusions 38 over the column flange surfaces before the protrusions seat in selected mounting apertures 17." Thus, the length of the rack mount assembly is maintained as the rack mount assembly is moved between the different positions. Only the column flanges, however, deform very slightly. Accordingly, the length of the rack mount being maintained when the rack mount is moved between the different positions is described in the Specification.

In view of the above, Applicant submits that claims 10, 24, and 38 are supported by the Specification. Applicant, therefore, respectfully requests that the rejection of claims 10, 24, and 38 under 35 U.S.C. 112, first paragraph, be reconsidered and withdrawn and that claims 10, 24, and 38 be allowed.

**Claim Rejections under 35 U.S.C. § 103**

Claims 10-15, 17-21, 24-29, 31-35, 38, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,833,337. Claims 22 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kofstad and further in view of Harrington et al. U.S. Patent No. 2,927,652. Applicant respectfully traverses these rejections.

Independent claim 10 recites that a length of the rack mount is defined from the first mounting flange to the second mounting flange, and that the length of the rack mount is maintained when the rack mount is in the first position, the second position, and the third position. In addition, independent claim 24 recites that a length of the rack mount is defined from the first mounting flange to the second mounting flange, and that the length of the rack mount is maintained when the rack mount is moved from the first position to the second position. In addition, independent claim 38 recites that positioning the rack mount assembly to span the opposing column flanges of the rack system includes adjusting a length of the rack mount assembly from the first mounting flange to the second mounting flange, recites that after positioning the rack mount assembly to span the opposing column flanges, including after adjusting the length of the rack mount assembly, the method includes maintaining the length of the rack mount assembly and sliding the rack mount assembly relative to the opposing column flanges, and recites that after sliding the rack mount assembly relative to the opposing column flanges, the method includes maintaining the length

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of the rack mount assembly and engaging flange apertures of the opposing column flanges with the alignment protrusions.

The Kofstad patent discloses a rack slide 50 having a flange 70 with a locating nib 76 and a flange 58 having a locating nib 64, wherein locating nib 76 engages a mounting hole 106 in an upright 40c and locating nib 64 engages a mounting hole in an upright 40d (Figs. 5-8). Flanges 70 and 58 of the Kofstad patent, however, contact respective uprights 40c and 40d only after locating nib 76 engages mounting hole 106 of upright 40c and locating nib 64 engages the mounting hole of upright 40d. As such, flanges 70 and 58 of the Kofstad patent do not contact respective uprights 40c and 40d when rack slide 50 is in a first position between uprights 40c and 40d, and locating nibs 76 and 64 of the Kofstad patent do not contact and slide relative to respective uprights 40c and 40d when rack slide 50 is in a second position between uprights 40c and 40d. More specifically, once flanges 70 and 58 of rack slide 50 of the Kofstad patent contact respective uprights 40c and 40d, locating nibs 76 and 64 cannot slide relative to uprights 40c and 40d since locating nibs 76 and 64 are engaged in the respective mounting holes of uprights 40c and 40d. Thus, the Kofstad patent does not disclose rack slide 50 in first and second positions, nor in first, second, and third positions as claimed in independent claims 10, 24, and 38. Accordingly, the Kofstad patent does not teach or suggest a rack mount assembly as claimed in claim 10, a rack system as claimed in claim 24, nor a method of mounting a rack mount assembly in a rack system as claimed in claim 38.

In view of the above, Applicant submits that independent claims 10, 24, and 38 are each patentably distinct from the Kofstad and Harrington et al. patents and, therefore, are each in a condition for allowance. Furthermore, as dependent claims 11-22 further define patentably distinct claim 10, dependent claims 25-36 further define patentably distinct claim 24, and dependent claim 41 further defines patentably distinct claim 38, Applicant submits that these dependent claims are also in a condition for allowance. Applicant, therefore, respectfully requests that the rejections of claims 10-15, 17-21, 24-29, 31-35, 38, and 41 and claims 22 and 36 under 35 U.S.C. 103(a) be reconsidered and withdrawn and that claims 10-22, 24-36, 38, and 41 be allowed.

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**Allowable Subject Matter**

Claims 16 and 30 are objected to as being dependent upon a rejected base claim and are indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant appreciates the indicated allowability of claims 16 and 30. As outlined above, Applicant, however, submits that independent claims 10 and 24 are patentably distinct from the applied art and allowable. As independent claims 10 and 24 are believed to be in allowable form, Applicant respectfully submits that claims 16 and 30 are allowable in dependent form. Applicant, therefore, respectfully requests that the objection to claims 16 and 30 be removed and that claims 16 and 30 be allowed.

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**Title:** VERTICAL LOCATING SLIDE BRACKET**CONCLUSION**

In view of the above, Applicant respectfully submits that pending claims 10-22, 24-36, 38, and 41 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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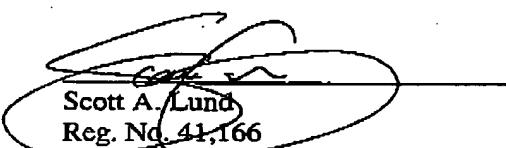
Respectfully submitted,

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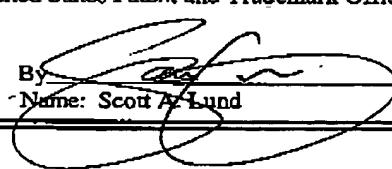
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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) 872-9306 on this 15<sup>th</sup> day of June, 2005.

  
By  
Name: Scott A. Lund